

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMILY LITTLER, et al.,
Plaintiffs,

v.

BAY AREA RAPID TRANSIT DISTRICT
("BART"), et al.,
Defendants.

Case No. [14-cv-05072-DMR](#)

**ORDER DENYING DEFENDANTS'
MOTION TO COMPEL**

Re: Dkt. No. 40

The parties filed a joint discovery letter on February 9, 2016 in which Defendants move to compel the production of documents. [Docket No. 40.] The fact discovery cut-off was January 12, 2016. On February 17, 2016, the court issued an order noting that Defendants' motion appeared untimely pursuant to Civil Local Rule 37-3, which provides that "no motions to compel fact discovery may be filed more than 7 days after the fact discovery cut-off." [Docket No. 41.] To the extent that Defendants asserted that the motion to compel was timely because it related to expert discovery, which did not close until February 9, 2016, the court ordered Defendants to submit a one-page letter by the close of business on February 18, 2016 explaining how the discovery at issue related to expert discovery and identifying all retained experts in this case. No such letter was filed. Accordingly, the court assumes that the discovery at issue was fact discovery. Therefore, Defendants' motion to compel is denied as untimely pursuant to Rule 37-3.

IT IS SO ORDERED.

Dated: February 19, 2016

